

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<p>(1) MARNE GIBBS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>(1) J&D ACQUISITIONS, INC., a Domestic For Profit Business Corporation, and (2) RYON LONG, an Individual</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 18-CV-00067-CVE-FHM</p>
<p>Defendants.</p>		

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 *et seq.*, Defendant J&D Acquisitions, Inc. (“J & D Acquisitions”) hereby removes this action from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma, based on the following:

1. Plaintiff Marne Gibbs (“Gibbs” or “Plaintiff”) commenced this action against Defendant on December 20, 2017, by filing a Petition with the District Court of Tulsa County, Oklahoma, captioned *Marne Gibbs v. J&D Acquisitions, Inc. and Ryon Long*, bearing Case No. CJ-2017-05037.

2. On January 11, 2018, Gibbs served J&D Acquisitions, Inc. by certified mail. This Notice of Removal is being filed timely within thirty (30) days of J&D Acquisitions, Inc.’s receipt of the summons and complaint, as required by 28 U.S.C. § 1446(a).

3. Certain of Plaintiff’s claims against J & D Acquisitions arise under Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e-2, *et seq.*, and under the Family and

Medical Leave Act of 1993, 29 U.S.C. § 2601, *et seq.* As such, this Court has original subject matter jurisdiction under the provisions of 28 U.S.C. § 1331 (federal question jurisdiction).

4. Plaintiff also asserts a tort claim for intentional infliction of emotional distress against J & D Acquisitions and a tort claim for civil sexual assault and battery against Defendant Ryon Long. Long was served with process on January 22, 2018, but has not yet answered or filed a responsive pleading herein. The Court has supplemental jurisdiction of these common law claims pursuant to 28 U.S.C. § 1441(c)(1).

5. Pursuant to 28 U.S.C. § 1441(a), venue is proper in the United States District Court for the Northern District of Oklahoma because this District includes Tulsa County, Oklahoma, where the action was filed. 28 U.S.C. §116(A).

6. As required by LCvR 81.2, true and correct copies of all documents filed and served in this case, along with a copy of the docket sheet, are attached hereto as Exhibit 1. Additionally, in compliance with Rule LCvR 81.2, J&D Acquisitions, Inc. will file a Status Report on Removed Action with the clerk upon the filing of this notice.

7. Pursuant to 28 U.S.C. § 1446(d), the undersigned certifies that promptly after the filing of this Notice of Removal in this Court, a Notice of Filing Notice of Removal will be filed in the state court and served on all parties.

8. Defendant J & D Acquisitions reserves its right to answer or present other defenses or objections. Rules 12(b) and 81(c)(2) of the Federal Rules of Civil Procedure.

9. Defendant Long consents to the removal of this action. 28 USC § 1446(b)(2)(A). A copy of his Consent to Removal is attached as Exhibit 2 and will be filed separately as well.

WHEREFORE, Defendant J & D Acquisitions removes this action from the District Court of Tulsa County to the United States District Court for the Northern District of Oklahoma, and requests that this lawsuit proceed under this Court's jurisdiction.

Dated: February 1, 2018

Respectfully submitted,

s/Kathy R. Neal

Kathy R. Neal, OBA #674

Anna C. Proctor, OBA #32449

McAFEE & TAFT, PC

2 West Second Street, Suite 1100

Tulsa, OK 74103

(918) 587-0000

(918) 599-9317 fax

kathy.neal@mcafeetaft.com

anna.proctor@mcafeetaft.com

***Attorneys for J&D Acquisitions, Inc. and
Ryon Long***

CERTIFICATE OF SERVICE

I hereby certify that on the 1ST day of February, 2018, I electronically transmitted this document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Daniel E. Smolen
Lauren G. Lambright

s/Kathy R. Neal